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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KERRY O'SHEA, on behalf of herself and all others similarly situated;

JAMES WALDRON, on behalf of himself and all others similarly situated;

TIMOTHY POWERS, on behalf of plaintiff and all others similarly situated,

Plaintiffs,

v.

CAMPBELL SOUP COMPANY and AMERICAN HEART ASSOCIATION, INC.,

Defendants.

Consolidated Civil Action No.:
1:13-cv-04887-RMB-KMW

**CONSOLIDATED MOTION TO
DISMISS OF DEFENDANT
CAMPBELL SOUP COMPANY**

PLEASE TAKE NOTICE THAT pursuant to Fed. R. Civ. P. Rules 9(b) and 12(b)(6), Defendant Campbell Soup Company (“Campbell”), by its counsel, Herrick, Feinstein LLP, shall move the United States District Court for the District of New Jersey, before the Honorable Renee M. Bumb, U.S.D.J., at the United States Courthouse, Camden, New Jersey, on May 19, 2014 at 10:00 a.m., or as soon thereafter as counsel

may be heard, for the entry of an Order dismissing the Complaints as against Campbell in these matters with prejudice.

PLEASE TAKE FURTHER NOTICE that Campbell shall rely upon the accompanying (1) Consolidated Memorandum of Law of Defendant Campbell Soup Company in Support of its Motion to Dismiss; and (2) Declaration of Lisa J. Thorsten in Support of Defendant Campbell Soup Company's Consolidated Motion to Dismiss (and exhibit thereto).

Oral Argument is requested. A proposed order is submitted herewith.

Dated: January 31, 2014
Princeton, New Jersey

HERRICK, FEINSTEIN LLP

By: s/ Ronald J. Levine

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